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PATENT
Attorney Docket 044508-5003-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Michael J. Daly et al.**

Application No. **10/089,175**

Filed: **August 07, 2002**

Group Art Unit: **1652**

Confirmation No. **9734**

Examiner: **Pak, Yong D.**

For: **Engineered Radiation Resistant Bioremediating Bacteria**

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria, VA 22314

TRANSMITTAL FORM

1. Transmitted herewith is an Amendment and Response under 37 C.F.R. 1.116.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. This amendment is being filed after the Notice of Appeal but before the due date of for the filing of an appeal brief. Accordingly, Applicants believe that no extension of time is necessary. In the event however that such extension is necessary, the Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
3. Fee Calculation (37 C.F.R. 1.16):

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	20	minus	41	0	\$50.00 each=	0.00
Independent Claims	3	minus	3	0	\$200.00 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
Sub-total =						0.00
Reduction by $\frac{1}{2}$ for filing by a small entity						0.00
Total Fee =						\$0.00

4. Fee Payment: Applicants believe that no fees are due at this time.
5. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **September 1, 2006**
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Respectfully submitted
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